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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Uruguay*

A. Purpose and general obligations (arts. 1-4)

Article 1: Purpose

1. Please provide information on measures taken to eliminate derogatory terms referring to persons with disabilities from the State party's legislation and to bring disability certification criteria into line with the social and human rights model of the Convention.

Article 4: General obligations

2. Please describe progress in passing regulations to implement Act No. 18651 of 2010 and in drafting and implementing the National Plan for Equal Opportunities and Rights of Persons with Disabilities.

3. Please say whether there are any procedures in place for consulting organizations of persons with disabilities on the adoption of laws and policies relating to all matters affecting them.

4. Please provide information on the situation of persons with disabilities who are living in the interior and explain how they are included in the State party's policies.

B. Specific rights

Article 5: Equality and non-discrimination

5. Please supply information on any plans to incorporate the concept of reasonable accommodation into the State party's legislation and to recognize that the denial of reasonable accommodation is a form of discrimination.

6. Please say what measures are taken to prevent and punish disability discrimination, multiple or aggravated discrimination and intersectional discrimination.

* Adopted by the pre-sessional working group at its fifth session (21-24 March 2016).

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Article 6: Women with disabilities

7. Please explain how the National Plan for Equal Opportunities and Rights of Persons with Disabilities encompasses women and girls with disabilities and give details of the measures taken to foster their participation on equal terms in the private and public spheres.

8. Please indicate how the Honorary National Commission on Disability and the National Women's Institute encompass women and girls with disabilities in their plans and policies.

Article 7: Children with disabilities

9. Please provide information about the measures adopted to prevent the abandonment and institutionalization of children with disabilities, about legislation on the comprehensive protection of the rights of children with disabilities and about measures to enable them to express their views on matters affecting them.

Article 9: Accessibility

10. Please provide details of plans to implement and monitor accessibility measures in the State party. Did organizations of persons with disabilities participate in the formulation of these plans?

11. Please provide information on measures to ensure the accessibility of transport, information and communications, including information and communications technology.

Article 11: Situations of risk and humanitarian emergencies

12. Please outline measures to include persons with disabilities in plans and policies aimed at disaster risk reduction.

Article 12: Equal recognition before the law

13. Please provide information on any moves to reform article 80 of the Constitution, which allows for the suspension of citizenship on grounds of "physical incompetence", and the provisions of the Civil Code and the General Code of Procedure that allow for substitute decision-making on the grounds of disability. Please also give details of measures to ensure that persons with disabilities can exercise their legal capacity and enjoy the support required for decision-making.

Article 13: Access to justice

14. What measures have been taken to remove all restrictions on access to justice for persons with disabilities?

Article 14: Liberty and security of the person

15. Please report on measures to repeal Act No. 9581 of 1936 and to adopt legislation consistent with article 14 of the Convention in order to prohibit the forced institutionalization of persons with disabilities. Please also provide information on the number of persons with disabilities who are institutionalized, on the conditions thereof and on transitional measures to facilitate their integration in society and the community.

16. Please report on any plans to amend article 63 of the Code of Criminal Procedure, under which persons with disabilities may be detained in psychiatric institutions.

Article 16: Freedom from exploitation, violence and abuse

17. Please provide information disaggregated by sex and age on cases of various forms of exploitation, violence and abuse directed against persons with disabilities in the private and public spheres and on measures to ensure that such situations are investigated and punished and that victims may obtain redress.

18. Please say what provision is made under the Domestic Violence Act for the protection of women and children with disabilities.

19. Please indicate what mechanisms are in place to monitor institutional facilities for persons with disabilities.

Article 17: Protecting the integrity of the person

20. Please give details of plans to prevent the forced sterilization of persons with disabilities.

Article 18: Liberty of movement and nationality

21. Please say what action has been taken to amend article 37 of the Constitution, which states that "under no circumstances shall admission be granted to immigrants with physical defects".

Article 19: Living independently and being included in the community

22. Please provide information on plans to deinstitutionalize persons with disabilities and on measures to ensure that they may opt for personal assistance and have access to community services.

Article 21: Freedom of expression and opinion, and access to information

23. Please indicate whether persons with disabilities can be certain of obtaining accessible information in all areas of participation in private and public life.

Article 24: Education

24. Please provide data disaggregated by age, sex and disability showing what percentage of each group is enrolled in inclusive education at all levels and in all regions of the country. Please indicate the number of persons with disabilities who are in segregated special education compared with the number of students with disabilities in inclusive education.

Article 25: Health

25. Please supply information on measures adopted to ensure that persons with disabilities, in particular women and girls, have access to sexual and reproductive health services, including information in accessible formats.

26. Please report on whether the mental health bill includes the supported decision-making model and on whether organizations of persons with disabilities were consulted during its formulation.

Article 27: Work and employment

27. Please provide information on the employment rates of persons with disabilities in the private and public sectors, and on protective mechanisms to prevent disability discrimination in the workplace.

Article 28: Adequate standard of living and social protection

28. Please explain to what extent the social protection system covers persons with disabilities, including those living in the interior, as well as indigenous persons, migrants, refugees and asylum seekers with disabilities.

Article 29: Participation in political and public life

29. Please report on any plans to eliminate restrictions on the exercise of political rights by persons with intellectual and/or psychosocial disabilities.

C. Special obligations

Article 31: Statistics and data collection

30. Are there any plans to include disability as a category when recording and compiling statistics and recording cases of violence and/or discrimination?

Article 32: International cooperation

31. Please provide information on the measures that are being adopted to ensure that the rights of persons with disabilities under the Convention are taken into account in national plans to implement and monitor the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Please also outline the measures being taken to ensure that organizations of persons with disabilities participate in these processes.

Article 33: National implementation and monitoring

32. Has the government body responsible for the implementation of the Convention been designated? Does the State party have an independent mechanism to monitor compliance with the Convention, in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles)? What monitoring has the mechanism conducted and what provision is made for the participation of organizations of persons with disabilities in the mechanism?